

REMARKS

This is in response to the Office Action of October 16, 2007. Superfluous punctuation is removed from claims 1, 3, and 4. Clarifying amendments are made to claims 10, 12, and 13. No new subject matter is introduced into the application by this Amendment. Claims 1-13 remain pending in this application.

Claims 9-13 were rejected under the second paragraph of 35 U.S.C. § 112 as failing to define the invention properly. Office Action, page 2. Applicants respectfully request reconsideration of this rejection. Claim 9 recites "A charge carrier transporting film which is formed from the polyimide as defined in claim 4." Upon reviewing the amendment to claim 9 in the Preliminary Amendment filed concurrently with the present application, it is seen that the Examiner may have read the Amendment as canceling "4 or 7" from claim 9. However, as the present Amendment makes clear, only "or 7" was cancelled. Accordingly, withdrawal of this ground of rejection is earnestly solicited.

Claims 1 and 3-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Furusho *et al.* article. Office Action, pages 3-4. Claims 2 and 10-12 were rejected under the 35 U.S.C. § 103(a) as being unpatentable over the Furusho *et al.* article in view of Jandke *et al.* Office Action, pages 4-6. Applicants respectfully solicit withdrawal of the rejections based on the Furusho *et al.* article for the following reasons.

It is noted that the Furusho *et al.* article includes all of the inventors of the present application as co-authors.

The present application has an effective U.S. filing date of June 16, 2004 (and claims priority to a Japanese application which was filed on June 17, 2003). There is no evidence of record that the Furusho *et al.* article was published more than a year prior to June 16, 2004.

Therefore application of the Furusho *et al.* article against the present application under 35 U.S.C. § 102(b) is improper.

The Furusho *et al.* article indicates on its face that it was received on April 21, 2003 and that it was “accepted” by the publisher on June 5, 2003. It is extremely unlikely (and there is of record absolutely no evidence to suggest) that the Furusho *et al.* article was published within 11 days of its “acceptance.” The publisher of the journal in which the Furusho *et al.* article was published provided the following information on its website:

Evolutional progress of natural sciences has extended the area of photopolymer science and technology. Responding to the rapid progress and the convenience of contributors, the Editorial Board decided to issue the Journal twice a year from Volume 12 (1999). The papers will be received at any time by the editorial office and accepted for publication after viewing by the referee system of the Journal.

The papers submitted until

April 1st will be published on July 1st,

October 1st will be published on December 20th.

<http://www.ao.u-tokai.ac.jp/photopolymer/callpe.html>. Based upon this policy, the Furusho *et al.* article would have been published on December 20, 2003. In any case, based on this chronology, the earliest that the Furusho *et al.* article could have been published is July 1, 2003. This July 2003 date is less than 1 year before the June 16, 2004 effective U.S. filing date of the present application. Use of the Furusho *et al.* article against the present application under 35 U.S.C. § 102(b) is improper.

Conclusion

For the foregoing reasons, Applicants respectfully solicit withdrawal of the rejections of record, and passage of this application to Issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No.

Application No.: 10/561,152


Docket No.: 0171-1250PUS1

28,781) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: April 15, 2008

Respectfully submitted,

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